

REMARKS

Applicant has carefully reviewed the Office Action mailed February 27, 2009 and offers the following remarks to accompany the above amendments.

Status of the Claims

Claims 19-30 and 45-49 were previously withdrawn. Claims 1-10 and 33 were previously cancelled. Applicant has amended claim 31 to correct a typographical error. Accordingly, claims 11-18, 31, 32, 34-44, and 50-55 are currently pending.

Rejection Under 35 U.S.C. § 102(e) – Johnson

Claims 11-18, 31, 32, 34-44, and 50-55 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,456,234 B1 to Johnson (hereinafter “Johnson”). Applicant respectfully traverses. For the Patent Office to prove anticipation, the Patent Office must show where each and every element of the claim is taught in the reference. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. Anticipation is a strict standard, and the Patent Office has not satisfied its burden in the present application.

Before specifically discussing the claim rejections, a brief overview of Johnson as compared to the teachings of Applicant’s Specification may be beneficial. Johnson teaches a proactive content delivery system. In this system, a delivery content database associated with a server stores a number of content records such as the record illustrated in Figure 7A. Among other things, each content record includes a location field (704) and a content field (712). The location field (704) includes information defining a location to which the content stored or referenced in the content field (712) will be proactively delivered. The server delivers the content stored or referenced in the content field (712) to devices located at the location defined by the location field (704).

In contrast, Applicant’s Specification teaches a device discovery process. In one embodiment, as discussed in paragraph [00124] of Applicant’s Specification, a first device can search for other devices by broadcasting on a network. In response to the broadcast, each of a number of second devices returns a location ID for the location or realm of which the second device is a part. Thus, each second device returns its own location ID. Notably, two second devices that are part of different locations or realms return different location IDs. Similarly, two

second devices that are part of the same location or realm return the same location ID. Then, at the first device, one of the location IDs received from the second devices is selected. The first device then transmits a password associated with the selected location ID over the network. In response to transmitting the password for the selected location ID, the first device receives a device identifier for one or more devices in the location or realm corresponding to the selected location ID. As an example, paragraph [00139] of Applicant's Specification states, in part:

...a particular physical location, such as a coffee shop for example, may contain a plurality of logical locations or realms. Thus, a user may select a particular logical location to log onto. For example, one group of people at the coffee shop may be logged onto a location or local area network named Joes Coffee Group, while another group of people is logged onto a different location or local area network named Bills Coffee Group. A person newly entering the physical location, i.e., the coffee shop, may choose which group to join.

Paragraph [00140] of Applicant's Specification goes on to state:

However, the new person must have the correct password for the logical location that he wishes to join ... Logging on to the logical location causes a list of devices (or users) to be communicated to the new user's device and also causes the new user's device to be added to the device lists of other users, as discussed above.

Thus, Applicant's Specification teaches a device discovery process wherein a first device broadcasts a signal, receives at least one location identifier from one or more second devices in response to the broadcasting of the signal, selects at least one desired location identifier from those received from the one or more second devices, transmits a password associated with the at least one desired location identifier, and receives at least one device identifier identifying a device associated with the at least one desired location identifier in response to transmitting the password for the at least one location identifier.

Regarding claim 11, firstly, Johnson fails to teach the claimed feature of broadcasting a signal from the first device operative to be received by one or more second devices, the signal including a request for a list of location identifiers from the one or more second devices. In the rejection of claim 11, the Patent Office relied on Figures 5A and 5B, column 12, lines 12-41, and column 8, lines 6-65 of Johnson to show broadcasting a signal from the first device.¹ The Patent Office then relied on column 6, line 65 through column 7, line 41 to show that the broadcast

¹ Office Action mailed February 27, 2009, p. 3.

signal is “operative to be received by one or more second devices the signal including a request for a identifiers.”²

Figures 5A and 5B and column 12, lines 12-41 of Johnson describe an indoor wireless embodiment wherein content is proactively delivered to mobile devices (referred to as Receiving Data Processing Systems (RDPSs)) within an indoor environment (e.g., within a grocery store). A controller drives a number of antenna stations within the indoor environment to emit a broadcast signal from every antenna station.³ Any RDPS within the indoor environment phase modulates its unique device identifier onto a return signal the RDPS transmits.⁴ The controller then uses the unique device identifier of an RDPS to identify return signals received from the RDPS via the antenna stations. The controller selects the three strongest return signals received from the RDPS and uses triangulation and known positions of the antenna stations to calculate the location of the RDPS within the indoor environment.⁵ A Server Data Processing System (SDPS) then delivers content to the RDPS within the indoor environment based on the location of the RDPS within the indoor environment (e.g., special deals, sales, or other promotional content pushed to an RDPS equipped shopping cart of a user within a grocery store).⁶ Therefore, in this indoor embodiment, Johnson teaches broadcasting a signal from the controller to the RDPS within the indoor environment via the antenna stations within the indoor environment.

Column 8, lines 6-65 of Johnson is part of a description of a network for various outdoor embodiments.⁷ This network includes a number of cellular network clusters (102, 104). While not explicitly discussed in Johnson, Applicant will concede that controllers (110, 112) may broadcast signals to mobile devices within the cellular network clusters (102, 104) via base stations (108).

Column 6, line 65 through column 7, line 41 of Johnson describe the network for various outdoor embodiments referenced above. In this embodiment, the SDPS executes at the controllers (110, 112) of the cellular network clusters (102, 104), and the RDPSs execute at the wireless devices within the cellular network clusters (102, 104).⁸ The locations of the wireless

² *Ibid.*

³ Johnson, col. 12, lines 20-21.

⁴ *Id.* at col. 12, lines 21-23.

⁵ *Id.* at col. 12, lines 23-37.

⁶ *Id.* at col. 11, line 66 – col. 12, line 5.

⁷ *Id.* at col. 6, lines 55-56.

⁸ *Id.* at col. 7, lines 25-30.

devices are determined using wireless techniques such as Time Difference of Arrival (TDOA) and Angle of Arrival (AOA).

Thus, in light of the discussion above, Johnson does teach broadcasting a signal from a first device (e.g., a controller of the indoor embodiment of Figures 5A and 5B or a cellular network cluster controller 110, 112 of the outdoor embodiment of Figure 1) operative to be received by one or more second devices (e.g., RDPS equipped shopping carts in the indoor embodiment of Figures 5A and 5B or the RDPS equipped wireless devices in the outdoor embodiment of Figure 1). However, Johnson fails to teach that the signal broadcasted from the first device includes a request for a list of location identifiers from the one or more second devices.

More specifically, in the indoor embodiment of Figures 5A and 5B of Johnson, the controller broadcasts a signal to the RDPS equipped devices (e.g., RDPS equipped shopping carts) within the indoor environment. In response, each RDPS equipped device transmits a signal that is phase modulated with the unique device identifier of the RDPS equipped device. Thus, at best, the signal broadcast by the controller in the indoor embodiment of Johnson can be read as a request for the RDPS equipped devices in the indoor environment to transmit return signals that are phase modulated with the unique identifiers of the corresponding RDPS equipped devices within the indoor environment. The signal broadcast by the controller in the indoor environment of Johnson does not include a request for location identifiers from RDPS equipped devices. In the outdoor environment of Figure 1 of Johnson, Johnson implicitly teaches that the cellular network cluster controllers (110, 112) broadcast signals such as paging signals used to set up connections between the wireless devices and the base stations (108). However, Johnson fails to teach that the cellular network cluster controllers (110, 112) broadcast a signal including a request for a list of location identifiers from the wireless devices. As such, Johnson fails to teach the claimed feature of broadcasting a signal from the first device operative to be received by one or more second devices, the signal including a request for a list of location identifiers from the one or more second devices.

Secondly, Johnson fails to teach the claimed feature of selecting, at the first device, at least one desired location identifier from the at least one location identifier received from the one or more second devices in response to the request. In the rejection of claim 11, the Patent Office relied on Figures 5A and 5B and column 12, lines 12-41 of Johnson to show this claimed

feature.⁹ Specifically, the Patent Office stated that “the cell controllers selects the strongest signal and extract unique identifier from the return signal.”¹⁰ As discussed above, Figures 5A and 5B and column 12, lines 12-41 of Johnson describe an indoor embodiment. In the indoor embodiment, a controller drives a number of antenna stations within the indoor environment to emit a broadcast signal from every antenna station.¹¹ Any RDPS within the indoor environment phase modulates its unique device identifier onto a return signal the RDPS transmits.¹² The controller then uses the unique device identifier of an RDPS to identify return signals received from the RDPS via the antenna stations. The controller selects the three strongest return signals received from the RDPS and uses triangulation and known positions of the antenna stations to calculate the location of the RDPS within the indoor environment.¹³ An SDPS then delivers content to the RDPS within the indoor environment based on the location of the RDPS within the indoor environment (e.g., special deals, sales, or other promotional content pushed to an RDPS equipped shopping cart of a user within a grocery store).¹⁴

Thus, Johnson teaches that the controller selects the three strongest return signals from a particular RDPS and performs a triangulation using the three strongest signals to calculate the location of the RDPS. However, even if the controller of Johnson is read as the first device of claim 11, the controller of Johnson fails to select at least one desired location identifier from at least one location identifier received from the RDPSs. Johnson’s selection of the three strongest signals from an RDPS is not the selection of a location identifier as claimed. As such, Johnson fails to teach the claimed feature of selecting, at the first device, at least one desired location identifier from the at least one location identifier received from the one or more second devices in response to the request.

Thirdly, Johnson fails to teach the claimed feature of transmitting from the first device a password associated with the at least one desired location identifier. In the rejection of claim 11, the Patent Office relied on column 14, lines 18-32, Figure 14, and column 22, line 30 through column 23, line 17 of Johnson to show this claimed feature.¹⁵ Column 14, lines 18-32 of Johnson is part of a description of a deliverable content database record (Figure 7A, 700). In

⁹ Office Action mailed February 27, 2009, p. 3.

¹⁰ *Ibid.*

¹¹ Johnson, col. 12, lines 20-21.

¹² *Id.* at col. 12, lines 21-23.

¹³ *Id.* at col. 12, lines 23-37.

¹⁴ *Id.* at col. 11, line 66 – col. 12, line 5.

¹⁵ Office Action mailed February 27, 2009, p. 3.

general, each content item that can be proactively delivered by the SDPS of Johnson has a corresponding deliverable content database record (700) that includes a location field (704) defining a location for which the content will be delivered and a content field (712) containing the content or a reference to the content. The deliverable content database record (700) is configured by an administrator or user (e.g., the manager (administrator) of a grocery store may configure deliverable content database records (700) for each of a number of advertisements (content) to be proactively delivered to customers within the grocery store). The deliverable content database record (700) includes an authorization ID field (720), which contains a handle to the user who configured the deliverable content database record (700) such as a password, user identifier, or the like.¹⁶ Figure 14 and column 22, line 30 through column 23, line 17 of Johnson describe a process by which an administrator may modify deliverable content database records (700) previously created by the administrator, create new deliverable content database records (700), or delete deliverable content database records (700) previously created by the administrator.

However, nothing in column 14, lines 18-32, Figure 14, or column 22, line 30 through column 23, line 17 of Johnson teaches transmitting from the first device a password associated with the at least one desired location identifier selected at the first device. More specifically, in the rejection of claim 11, the Patent Office is reading the controller of the indoor embodiment of Figures 5A and 5B of Johnson and the cellular network cluster controllers (110, 112) of the outdoor embodiment of Johnson as the “first device” of claim 11. Nothing in column 14, lines 18-32, Figure 14, or column 22, line 30 through column 23, line 17 of Johnson teaches that the controller of the indoor embodiment of Johnson or the cellular network cluster controllers (110, 112) of the outdoor embodiment of Johnson transmit a password associated with at least one desired location identifier. Specifically, even if the selection of the three strongest return signals from an RDPS is read as the selection of at least one desired location identifier (which the Patent Office is doing for the selecting feature of claim 11), Johnson fails to teach that the controller of the indoor embodiment of Johnson or the cellular network cluster controller (110, 112) of the outdoor embodiment of Johnson transmits a password associated with the three strongest return signals selected by the controller/cellular network cluster controller (110, 112). The administrator ID of Johnson, which may be a password, is only used to control access to the

¹⁶ Johnson, col. 14, lines 18-20.

deliverable content database records (700) created by an administrator. As such, Johnson fails to teach the claimed feature of transmitting from the first device a password associated with the at least one desired location identifier.

Lastly, Johnson fails to teach the claimed feature of, in response to transmitting the password associated with the at least one desired location identifier, receiving at the first device at least one device identifier identifying a device associated with the at least one desired location identifier. In order to show this feature of claim 11, the Patent Office again relied on column 14, lines 18-32, Figure 14, and column 22, line 30 through column 23, line 17 of Johnson to show this claimed feature.¹⁷ As discussed above, Johnson fails to teach transmitting, from the first device, a password associated with the at least one desired location identifier. It naturally follows that Johnson also fails to teach receiving, at the first device, at least one device identifier identifying a device associated with the at least one desired location identifier in response to transmitting the password associated with the at least one desired location identifier.

Still further, for the rejection of claim 11, the Patent Office is reading the controller of the indoor embodiment of Figures 5A and 5B of Johnson and the cellular network cluster controllers (110, 112) of the outdoor embodiment of Johnson as the “first device” of claim 11. Nothing in column 14, lines 18-32, Figure 14, or column 22, line 30 through column 23, line 17 of Johnson teaches that the controller of the indoor embodiment of Johnson or the cellular network cluster controllers (110, 112) of the outdoor embodiment of Johnson receives at least one device identifier identifying a device associated with at least one desired location identifier selected at the controller/cellular network cluster controller (110, 112). As such, Johnson fails to teach the claimed feature of, in response to transmitting the password associated with the at least one desired location identifier, receiving at the first device at least one device identifier identifying a device associated with the at least one desired location identifier.

In light of the discussion above, Johnson fails to teach each and every element of claim 11 arranged as claimed. As such, claim 11 is allowable. Claims 12-18 are dependent claims based directly or indirectly from claim 11. As such, claims 12-18 are allowable for at least the same reasons set forth above with respect to claim 11. However, Applicant reserves the right to further address the rejection of claims 12-18 in the future, if needed.

¹⁷ Office Action mailed February 27, 2009, p. 3.

Regarding claim 31, in order to reject claim 31, the Patent Office merely referred to the rejection of claim 11. However, claim 31 is substantially different than claim 11. For instance, the first step of claim 31 (moving a first device ...) is not found in claim 11. Therefore, since the Patent Office did not address the step of moving the first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID, the Patent Office has failed to meet its burden in rejecting claim 31 under 35 U.S.C. § 102(e) as being anticipated by Johnson.

However, even though the Patent Office failed to set forth a proper rejection of claim 31, Applicant will address claim 31 with respect to Johnson in order to expedite allowance and issue. Firstly, Johnson fails to teach moving a first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID. Secondly, Johnson fails to teach the first device operative to receive a wireless broadcast of at least one location ID, where the first device receives the at least one location ID via a wireless broadcast from the at least one second device, selects at least one desired location ID from the at least one location ID received from the at least one second device, transmits authentication information to the at least one second device for the at least one desired location ID, and receives a list of devices associated with the at least one desired location ID. Since Johnson fails to teach each and every element of claim 31 arranged as claimed, claim 31 is allowable.

Claims 32, 34-40, 54, and 55 are dependent claims that depend directly or indirectly from claim 31. As such, claims 32, 34-40, 54, and 55 are allowable for at least the same reasons set forth above with respect to claim 31. However, Applicant reserves the right to further address the rejection of claims 32, 34-40, 54, and 55 in the future, if needed.

Regarding claim 41, firstly, Johnson fails to teach or suggest wirelessly broadcasting a location ID from a first device and wirelessly receiving the location ID on a second device. In the rejection of claim 41, the Patent Office stated that Johnson teaches “wirelessly broadcasting, on a first device, a ID.”¹⁸ However, claim 41 requires wirelessly broadcasting a **location ID**. Johnson fails to teach wirelessly broadcasting a location ID and the reception thereof.

¹⁸ *Id.* at p. 5 (emphasis added).

Secondly, Johnson fails to teach entering, on the second device that received the broadcasted location ID, a password associated with the location ID. As discussed above, Johnson teaches an administrator authorization ID, which may be a password, which is used to control access to deliverable content database records (700) created by an administrator. However, Johnson fails to teach entering a password associated with the location ID at a device that receives a broadcast of the location ID.

Lastly, Johnson fails to teach effecting the playing of a media item on the first device by the second device. As discussed above, Johnson teaches proactive delivery of content from an SDPS to an RDPS based on the location of the RDPS. However, nothing in Johnson teaches that the RDPS effects playing of a media item on the SDPS or vice versa. As such, Johnson fails to teach the claimed feature of effecting the playing of a media item on the first device by the second device as claimed.

In light of the discussion above, Johnson fails to teach each and every element of claim 41 arranged as claimed. As such, claim 41 is allowable. Claims 42-44 are dependent claims that depend directly or indirectly from claim 41. As such, claims 42-44 are allowable for at least the same reasons set forth above with respect to claim 41. However, Applicant reserves the right to further address the rejection of claims 42-44 in the future, if needed.

Regarding claims 50, the Patent Office relied on its rejection of claims 11-18. Firstly, Johnson fails to teach moving a first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID. Secondly, Johnson fails to teach receiving, at the first device, a location ID from the at least one second device via a wireless broadcast of the at least one location ID by the at least one second device. Nothing in Johnson teaches the wireless broadcasting of a location ID from a first device to at least one second device.

Thirdly, Johnson fails to teach displaying, on the first device, the location ID received from the at least one second device. Since Johnson fails to teach broadcasting a location ID from a first device to at least one second device, it naturally follows that Johnson also fails to teach displaying the location ID received from the at least one second device on the first device.

Fourthly, Johnson fails to teach entering, on the first device, a password associated with the selected location ID. As discussed above, Johnson teaches an administrator authorization ID,

which may be a password, which is used to control access to deliverable content database records (700) created by an administrator. However, Johnson fails to teach entering a password associated with the location ID at a device that receives a broadcast of the location ID.

Lastly, Johnson fails to teach selecting, on the first device, a song to be played on the at least one second device. As discussed above, Johnson teaches proactive delivery of content from an SDPS to an RDPS based on the location of the RDPS. However, nothing in Johnson teaches selecting, at the RDPS, a song to be played on the SDPS or vice versa. As such, Johnson fails to teach the claimed feature of selecting, on the first device, a song to be played on the at least one second device as claimed.

Since Johnson fails to teach each and every element of claim 50, claim 50 is allowable. Claims 51-53 are dependent claims that depend directly or indirectly from claim 50. As such, claims 51-53 are allowable for at least the same reasons set forth above with respect to claim 50. However, Applicant reserves the right to further address the rejection of claims 51-53 in the future, if needed.

Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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